

**RULES
OF
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
SOCIAL SERVICES DIVISION**

**CHAPTER 0250-7-12
RULES GOVERNING ACCESS TO ADOPTION RECORDS FOR ADOPTIONS FINALIZED
ON AND AFTER MARCH 16, 1951**

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0205-7-12-.01 PURPOSE AND SCOPE OF CHAPTER.

- (1) The purpose of this chapter is to provide, in compliance with T.C.A. §§ 36-1-127 - 36-1-132, and §§ 36-1-136 and 36-1-137, procedures for registering with the Contact Veto Registry, and access to records by eligible persons and other papers relating to adoptions or attempted adoptions of certain persons as defined herein, whose records, whether sealed, whether in any court record, or whether in any post adoption record, if the adoption was finalized by the entry of an order of adoption or an order of dismissal, or if the adoption petition was filed, on or after March 16, 1951, or which adoption was otherwise never completed due to the abandonment as determined by the Department, on or after March 16, 1951, of any further necessary activity related to the completion of the adoption.
- (2) This Chapter does not govern access to record for persons whose adoptions were finalized by orders of adoption entered prior to March 16, 1951, or for whom surrenders for adoption were executed prior to March 16, 1951, or for persons who were subject to placement through the Tennessee Children's Home Society, its branches and divisions. Persons in this class are given access to records pursuant to Chapter 0250-7-7 or as such Chapter may be redesignated.

Authority: T.C.A. §§36-1-101 et seq., 36-1-139 through 36-1-141, 37-5-112, 71-1-105(12), Public Chapter 901, 1992, Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996).
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0250-7-12-.02 DEFINITIONS.

- (1) Adopted Person:
 - (a) Any person who is or has been adopted under this part or under the laws of any state, territory, or foreign country.
 - (b) For purposes of the processing and handling of, and access to, any adoption records, sealed adoption records, sealed records, post-adoption records, or adoption assistance records pursuant to this part, this term shall also include a person for whom any of those records is maintained by the court, other persons or entities or persons authorized to conduct a surrender or revocation of surrender pursuant to this part, or which records are maintained by the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, or the Department of Health or other information source, whether an adoption petition was ever filed, whether an adoption order was ever entered, whether the adoption was ever dismissed, whether the adoption was ever

(Rule 0250-7-12-.02, continued)

finalized, or whether the adoption was attempted or was otherwise never completed due to the abandonment of any necessary activity related to the completion of the adoption.

- (c) Whenever used, the term “adopted person” shall mean persons in subparagraphs (a) and (b).
- (2) Adoption - The social and legal process of establishing by court order, other than by paternity or legitimation proceedings or by voluntary acknowledgment of paternity, the legal relationship of parent and child.
- (3) Adoption Record - The records, reports, and papers, including those of termination of parental rights or adoption proceeding, maintained about an adopted person by the clerk or judge of the court where the adoption petition is filed, where a surrender or revocation of a surrender is filed, or by any other person who is authorized to witness the execution of surrenders or revocation of surrenders, or by the state, district or county offices of the Department, or by a licensed or chartered child-placing agency, or by any other information source and which record contains all social, medical, legal or other information concerning a person who has been placed for adoption or for an adopted person, or a person for whom adoptive placement activities are currently occurring, and which existed prior to its becoming a sealed record or a sealed adoption record; provided, however, that the adoption record shall not include any home study or preliminary home study or any information obtained by the Department, a licensed child-placing agency, a licensed clinical social worker, or an attorney in connection with a home study or adoption proceeding other than that which is expressly included in a report to the court by such persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant to T.C.A. § 36-1-138.
- (4) Adoptive Parent(s) - The person(s) who have been made the legal parent(s) of a child by the entry of an order of adoption under the provisions of the law of any state, territory, or foreign country.
- (5) Advance Notice Registry:
- (a) A registry established and maintained by the Department for the purposes of permitting registration by eligible individuals who wish to receive advanced notification prior to the release of adoption records, sealed records, sealed adoption records, post-adoption records or any other records or papers which may contain identifying information regarding such person.
- (b) This record is confidential and shall be opened only as provided by TCA 36-1-138.
- (6) Alleged Parent - A person who was named or described in the sealed record or the sealed adoption record as a parent of the adopted person, but who does not otherwise meet the definition of biological parent pursuant to these rules.
- (7) Automatic Veto - The process whereby the spouses, siblings or future siblings, lineal descendants and lineal ancestors and any spouses of those persons are automatically protected by a Contact Veto filed by an eligible person in conformity with the procedures set forth in T.C.A. §§ 36-1-128, 36-1-129 and § 36-1-130.
- (8) Biological Parent - Based on a birth certificate, a court order, an unqualified surrender of parental rights, or based on an unqualified acknowledgment of parenthood, or any other document contained in the sealed records or the sealed adoption records, the person(s) identified as the birth parent(s) who genetically conceived the adopted person. The information in the adoption records, sealed records, and sealed adoption records must be consistent as to the identity of the biological parent.

(Rule 0250-7-12-.02, continued)

- (9) Biological Relative - The biological parents or child, the brothers and sisters of the whole or half blood, the blood grandparents of any degree, the blood aunts or uncles, or the blood cousins of the first degree of an adopted person or person for whom any adoption records, sealed record, sealed adoption record or post-adoption records are maintained.
- (10) Chartered Child-Placing Agency - For purposes of this Chapter, an agency which had received a charter from the State of Tennessee through legislative action or by incorporation for the operation of an entity or a program of any type which engaged in the placement of children for foster care or residential care as part of a plan or program for which those children were or could have been made available for adoptive placement and which may have, at sometime during its existence, become subject to any licensing requirements by the Department or its predecessors.
- (11) Child - Any person under eighteen (18) years of age.
- (12) Contact Veto Registry - A Registry established and maintained by the Department for the purposes of permitting registration of the willingness or unwillingness of eligible persons or classes of persons for contact with persons eligible to have access to any records covered by this part; provided, however, the Contact Veto Registry shall not be applicable to records requested pursuant to T.C.A. § 36-1-127(b). Registration on the Contact Veto Registry will not be permitted until a form developed by the Department is properly completed by the requesting party and submitted with the fee established by the Department.
- (13) Court - The chancery, circuit, or former county courts, or other courts in Tennessee which have or may have possessed adoption jurisdiction at any time, or for the purpose of accepting a surrender of parental rights, the juvenile, circuit or chancery courts, in Tennessee.
- (14) Court Report - The report to the adoption or surrender court in response to an order of reference which describes to the court the status of the child and the prospective adoptive parents or the persons to whom the child is surrendered. Such a report may be preliminary, supplementary, or final in nature. The court report shall not include the home study or preliminary home study, but instead shall include a summary of such study.
- (15) Crisis Pregnancy counseling - Any counseling provided by the Department, a licensed child-placing agency or licensed clinical social worker related to the pregnancy, planning and decisions for the expected child by his/her mother.
- (16) Department - The Tennessee Department of Children's Services or any of its divisions or units.
- (17) Department of General Services - The state executive branch agency which maintains the State's records management center and in which the sealed records or sealed adoptions records are stored.
- (18) Department of Health - The state executive branch agency which administers the Division of Vital Statistics, which Division maintains records of births.
- (19) Eligible Person - A person who is verified by the Department as being in the class of individuals who is permitted by T.C.A. §§ 36-1-128 and 36-1-303 and this Chapter to receive access to records or to file with the Contact Veto Registry or the Advance Notice Registry. The alleged parent/relative is not an eligible person for access to records.
- (20) Family Unit - A group of two or more persons residing together who are related by blood, marriage, or adoption. A person whose work, study, treatment or care results in only temporary, periodic, or otherwise time-limited absence from the family unit shall be deemed to be a member of the family unit to which he or she usually returns to reside at the end of such absences. Any person who receives 50%

(Rule 0250-7-12-.02, continued)

or more of his or her support, in cash or in-kind, from persons to whom he or she is related by blood, marriage or adoption shall, for purposes of income and resource determination, also be deemed to be a member of the family unit which contributes the greatest percentage of such support.

- (21) Guardian or Co-Guardian:
- (a) A person or persons of an entity, other than the parent of a child, appointed by a court or defined by law specifically as “guardian” or “co-guardian” or “conservator” to provide supervision, protection for and care for the person or property or both, of a child or adult. This may also include the Department, a licensed child-placing agency or a child caring agency.
 - (b) This term also means a person or entity appointed as guardian(s) as the result of a surrender, parental consent, or termination of parental rights.
- (22) Home Study - The product of a preparation process in which individuals or families are assessed by themselves and the Department or licensed child-placing agency, or a licensed clinical social worker as to their suitability for providing foster care or adoption and their desires with regard to the child they wish to adopt. The home study shall conform to the requirements set forth in the rules of the Department and becomes a written document which is used in the decision to approve or deny a particular home for adoptive placement. The home study shall be confidential, and at the conclusion of the adoption proceeding shall be forwarded to the Department to be kept under seal pursuant to T.C.A. § 36-1-126, and shall be subject to disclosure only upon order entered pursuant to T.C.A. § 36-1-138.
- (23) Identifying information - Any information contained in an adoption record, sealed record, sealed adoption record, or post adoption record not permitted to be released pursuant to T.C.A. § 36-1-133(b)(1)-(7).
- (24) Incest - This term shall have the same meaning as set forth in Tennessee Code Annotated, § 39-15-302, or as such section may be amended.
- (25) Information Sources - The courts, agencies, or entities which maintain or have maintained information directly related to the adoption, the placement, or potential placement for adoption of an eligible person.
- (26) Last Known Address - The latest complete mailing address of an individual identified in the adoption record, or a sealed record, sealed adoption record, or post adoption record as maintained by the Department. For purposes of searches involving people registered with the Contact Veto Registry, the last known address will be the most recent address filed with the Registry. For the adopted person, the last known address will be that address contained in the post adoption record or if no post adoption record exists, the last known address will be the address contained in the sealed records.
- (27) Legal Parent:
- (a) The biological mother of a child;
 - (b) A man who is or has been married to the biological mother of the child if the child was born during the marriage or within 300 days after the marriage was terminated for any reason, or if the child was born after a decree of separation was entered by a court;
 - (c) A man who attempted to marry the biological mother of the child before the child’s birth by a marriage apparently in compliance with the law, even if the marriage is declared invalid, if the child was born during the attempted marriage or within 300 days after the termination of the attempted marriage for any reason;

(Rule 0250-7-12-.02, continued)

- (d) A man who has been adjudicated to be the legal father of the child by any court or administrative body of this State or any other state or territory or foreign country or who has signed, pursuant to T.C.A. §§ 24-7-118, 68-3-203(g), 68-3-302 and 68-3-305(b), an unrevoked surrender and sworn acknowledgment of paternity under the provisions of Tennessee law, or who has signed a sworn acknowledgment pursuant to the law of any other state, territory, or foreign country; or
 - (e) An adoptive parent of a child or adult.
- (28) Legal Relative - The person who is included in the class of persons set forth in the definition of “biological relative” or “legal parent”, and who, at the time a request for search services or information is made pursuant to T.C.A. §§ 36-1-101 et seq. is related to the adopted person by any legal relationship established by law, court order, or by marriage, but specifically includes, in addition, a step-parent.
- (29) Legal Representative:
- (a) The conservator, guardian, legal custodian, or other person or entity with legal authority to make decisions for an individual with a disability, or an attorney-in-fact, an attorney-at-law representing a person for purposes of obtaining information pursuant to this part, or the legally appointed administrator, executor, or other legally appointed representative of a person’s estate, or
 - (b) Any person acting under any durable power of attorney for health care purposes or any person appointed to represent a person and acting pursuant to a living will.
 - (c) For purposes of this definition, “disability” means that the individual is a minor pursuant to any state, territorial, or federal law, or the law of any foreign country or that the individual has been determined by any such laws to be in need of a person or entity to care for the individual due to that individual’s physical or mental incapacity or infirmity.
 - (d) Authority to act on behalf of an individual shall be presented to the Department by way of certified copies of orders or powers, or signed statements authorizing representation by attorneys at law.
- (30) Licensed or Chartered child-placing agency - Any agency operating under a license to place children for adoption issued by the Department, or by a charter from the State of Tennessee as described in 0250-7-12-.02(10).
- (31) Licensed Clinical Social Worker - An individual who holds a license as an independent practitioner from the board of social worker certification and licensure pursuant to T.C.A. § 63-23-101 et seq. and in addition, is licensed by the Department to provide foster care placement services and adoption placement services.
- (32) Lineal Ancestor - Any degree of grandparent or great-grandparent, either by birth or adoption.
- (33) Lineal Descendant - A person who descended directly from another person who is the biological or adoptive ancestor for such person, such as the daughter of her mother or granddaughter of her grandmother.
- (34) Parents - Any biological, legal, adoptive parent, or for purposes of T.C.A. §§ 36-1-127 through 36-1-141, step-parents. “Step-parent” shall mean the current husband or wife of the adopted person’s biological, legal or adoptive parent.

(Rule 0250-7-12-.02, continued)

- (35) Post Adoption Unit - The unit in the state office of the Department responsible for maintaining post adoption records, conducting search requests and opening or approving the opening of adoption records, sealed records, sealed adoption records, or post adoption records pursuant to Title 36, Chapter 1, Part 1 of the Tennessee Code Annotated.
- (36) Post-Adoption Record means:
- (a) The record maintained in any medium by the Department, separately from the sealed record or sealed adoption record and subsequent to the sealing of an adoption record or which is maintained about any sealed record or sealed adoption record. The post-adoption record contains information, including, but not limited to, adopted persons or the legal or biological relatives of adopted persons, or about persons for whom sealed records or sealed adoption records are maintained, or about persons who are seeking information about adopted persons, or persons on whom a sealed record or sealed adoption record is maintained, and the post-adoption record contains information concerning, but not limited to, the Contact Veto Registry established by this part, the written inquiries from persons requesting access to records, the search efforts of the Department pursuant to the requirements of the Contact Veto process, the response to those search efforts by those persons sought, information which has been requested to be transmitted from or on behalf of any person entitled to access to records pursuant to this part, any updated medical information gathered pursuant to this part, court orders related to the opening of any sealed adoption records or sealed records, and personal identifying information concerning any persons subject to the provisions of this part.
 - (b) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to T.C.A. § 36-1-126(b)(2), which indicates the child's date of birth, the date the agency received the child for placement, from whom the child was received and such person's last known address, with whom the child was placed and such person's or entity's last known address, and the court in which the adoption proceeding was filed and the date the adoption order was entered or the adoption petition dismissed.
 - (c) This record is confidential and shall be opened only as provided by T.C.A. §§ 36-1-101 et seq. and this Chapter.
- (37) Rape - This term shall have the same meaning as set forth in T.C.A. §§ 39-13-502 and 39-13-503 and as those sections may be amended, but shall not include statutory rape as defined in Tennessee Code Annotated, Section 39-13-506 as that section may be amended.
- (38) Record - Any paper, report, document, or photograph, or other medium of preservation of information. For purposes of this Chapter, a record which may be available to an eligible person shall not include the remaining names of other persons on a list, log, or roll maintained by the Department or any other entity who are not, as determined by the Department, a part of the eligible person's request for service.
- (39) Resources - For purposes of these rules, resources shall include only the following assets of the requesting person or any other member of his or her family unit.
- (a) Cash;
 - (b) Accounts in financial institutions, certificates of deposits, or any other evidence of financial assets;
 - (c) Stocks;

(Rule 0250-7-12-.02, continued)

- (d) Bonds;
 - (e) Securities;
 - (f) Cash value of life insurance policies;
 - (g) Notes receivable;
 - (h) The equity value of any real property which is not the primary home, farm, or business operation of the family unit;
 - (i) The equity value of any vehicles owned by the adopted person, his or her siblings, or lineal descendants, or members of the family unit in excess of one vehicle per member of the family unit;
 - (j) The equity value of personal property of the family unit, in addition to subparagraphs (a)-(g) which exceeds \$10,000; and
 - (k) All assets which are shown to be pledged as security for loans or mortgages shall be excluded from countable resources.
- (40) Sealed Adoption Record means for purposes of this Chapter:
- (a) The adoption record as it exists subsequent to its transmittal to the Department, or subsequent to its sealing by the court, pursuant to the requirements of T.C.A. § 36-1-126, or
 - (b) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to T.C.A. § 36-1-126(b)(2).
 - (c) This record is confidential and shall be opened only as provided by T.C.A. §§ 36-1-101 et seq. and this Chapter.
 - (d) The sealed adoption record shall not, for purposes of release of the records pursuant to T.C.A. §§ 36-1-127 through 36-1-141 be construed to permit access, without a court order pursuant to T.C.A. § 36-1-138, to home studies or preliminary home studies or any information obtained by the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, or other family counseling service, a physician, a psychologist, or member of the clergy, an attorney or other person in connection with a home study or preliminary home study as part of an adoption or surrender or parental consent proceeding or as part of the evaluation of prospective adoptive parents, other than those studies which are expressly included in a report to the court by such entities or persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant to T.C.A. § 36-1-138.
- (41) Sealed Record means for purposes of this Chapter:
- (a) Any records, reports or documents maintained by a judge, a court clerk, the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, the Department of Health, or any other information source which consists of adoption records or information about an adoption proceeding or a termination of parental rights proceeding about an adopted person, or which contain information about a person who was placed for adoption but for whom no adoption order was entered or for whom an adoption proceeding was dismissed or for whom an adoption was not otherwise completed, or which contain information concerning persons in the

(Rule 0250-7-12-.02, continued)

care of any person or agency, and which records have otherwise been treated and maintained by those persons or entities under prior law, practice, policy, or custom as confidential, non-public adoption records, sealed adoption records, or post-adoption records of the person, or which may be otherwise currently treated and maintained by those persons or entities as confidential, non-public adoption records, sealed adoptions records or post-adoption records of the person; or

- (b) The limited record maintained by the licensed or chartered child-placing agency or a licensed clinical social worker pursuant to T.C.A. § 36-1-126(b)(2).
 - (c) This record is confidential and shall be opened only as provided by T.C.A. §§ 36-1-101 et seq. and this Chapter.
 - (d) The sealed record shall not, for purposes of release of the records pursuant to T.C.A. §§ 36-1-127 through 36-1-141 be construed to permit access, without a court order pursuant to T.C.A. § 36-1-138, to home studies or preliminary home studies or any information obtained by the Department, a licensed or chartered child-placing agency, a licensed clinical social worker, or other family counseling service, a physician, a psychologist, or member of the clergy, an attorney or other person in connection with a home study or preliminary home study as part of an adoption or surrender or parental connection with a home study or preliminary home study as part of an adoption or surrender or parental consent proceeding or as part of the evaluation of prospective adoptive parents, other than those studies which are expressly included in a report to the court by such entities or persons. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling shall not be included in the adoption record for purposes of release pursuant to this part without a court order pursuant T.C.A. § 36-1-138.
- (42) Sibling - Anyone having a sibling relationship.
 - (43) Sibling Relationship - The biological or legal relationship between persons who have a common biological or legal parent.
 - (44) Surrender - A document executed under the provisions of T.C.A. § 36-1-111 or under the laws of another state or territory or country, by the parent or guardian of a child, by which that parent or guardian relinquishes all parental or guardianship rights of that parent or guardian to a child, to another person or public child welfare agency or licensed child-placing agency for the purposes of making that child available for adoption.
 - (45) Sworn Statement - A notarized form completed and submitted by an eligible person prior to their receiving access, under this Chapter, to adoption records, sealed adoption records, sealed records or post adoption records. By signing this statement the person agrees that after receiving the records, the person will not contact or attempt to contact in any manner, by themselves or in concert with any other persons or entities, an adopted person or a person for whom sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained until the adopted person being sought has consented to contact, or any of the persons who have filed or who are eligible to file a contact veto pursuant to T.C.A. § 36-1-128, or persons to whom an automatic veto applies under T.C.A. § 36-1-130 until the Department has completed the search of the Contact Veto Registry and/or search for the person being sought as provided in T.C.A. § 36-1-130 or pursuant to T.C.A. § 36-1-131 and written notification of the results of the search request have been given to the requesting person. The sworn statement shall contain language, which shall be acknowledged by the requesting party, concerning the existence of the contact veto procedure and the legal remedies for breach of the contact veto.
 - (46) Terminated For Cause - Court-ordered severance of parental rights on an involuntary basis.

(Rule 0250-7-12-.02, continued)

- (47) Unit of Service - As used in this Chapter, a unit of service shall consist of the process required to open each record necessary to fulfill the request for services and conduct searches for persons with whom contact is sought. A unit of service shall also include the search for records not held by the Department for each person for whom the request is made and registering, altering or withdrawing a request with the Contact Veto Registry. The fee for service charged pursuant to Section 0250-7-12-.07 shall be applied to each unit of service as stated in Section 0250-7-12-.07.
- (48) Verification - The process of determining the correct identity and relationship of a person who seeks to obtain access to any adoption records, sealed records, sealed adoption records, or post adoption records and shall include any information contained in 0250-7-12-.02(49) and may include any other information satisfactory to the Department necessary to determine the person's status as an eligible person.
- (49) Written Request - An inquiry made in writing by a potentially eligible person or their legal representative seeking access to the records of an adopted person or persons for whom records are maintained which were sealed on or after March 16, 1951. Such request must have the original signature of the person making the request and shall include the following:
- (a) Name, date of birth, address and telephone number of the person requesting service;
 - (b) Information, including legal documents or affidavits which establishes the person's legal relationship to a person involved in the adoption (adopted person 21 years of age or older, birth/adoptive/legal parent of the adopted person, siblings, lineal descendants, or lineal ancestors of the adopted person or legal representative of the requesting party), or which otherwise establishes the person's right to request access.
 - (c) Any other information the Department requires to establish the person's identity;
 - (d) Shall include identification of any person(s) or class of persons, if any, with whom the requesting party seeks contact;
 - (e) If the information in the written request does not establish the person's right to have access to the records, the Department will search the sealed records, sealed adoption records and post-adoption records, including those of other alleged siblings, if available, for information which may establish the person's right to have such access as an eligible person.

Authority: T.C.A. §§36-1-101 et seq., 37-5-112, 71-1-105(12), Public Chapter 901, 1992, Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed August 12, 1992; effective November, 1992. Rule 0250-7-12-.02 has been assigned a new control number, removed, and renumbered from Chapter 1240-7-6-.02 filed and effective April 2, 2001. Amendment filed October 26, 2001; effective January 9, 2002.

0250-7-12-.03 PROCEDURES FOR PROVISION OF SERVICES.

- (1) Access to Records:
- (a) Access to adoption records, sealed records, sealed adoption records, or post adoption records shall be granted by the Department to an eligible person when such person's identity has been verified, when such records exist and when the other requirements of this Chapter are met with regard to completion of sworn statements regarding restrictions on contact, written consents by adopted persons or the birth mother who was the victim of rape or incest, notification is given in accordance with the Advanced Notice Registry, the payment of fees, and all other necessary requirements.

(Rule 0250-7-12-.03, continued)

- (b) If the adoption of the person seeking access was finalized by the entry of an order of adoption or an order of dismissal, or if the adoption petition involving the person was filed prior to March 16, 1951, or if the adoption of the person was otherwise never completed due to the abandonment, as determined by the Department, prior to March 16, 1951, of any further necessary activity related to the completion of the adoption, or a surrender of such person was executed prior to March 16, 1951, and a record exists, services to eligible persons will be provided under Chapter 0250-7-7 (or as such Chapter may be redesignated), Access to Adoption Records Finalized Prior to 1951 and Access to Records Maintained by the Tennessee Children's Home Society.
 - (c) When the record does not establish that the surrender or termination of parental rights involving the adopted person or a person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained occurred, or that the adoption became final or was otherwise never completed, prior to March 16, 1951, services will be provided under the provisions of this Chapter.
 - (d) The Department will authorize access to such other records held by other information sources to persons eligible for such information for purposes of this Chapter.
 - (e) All requests for service must be in writing to the Department's Post Adoption Unit.
- (2) Requests for access to records will be processed on a first come, first serve basis in the order of receipt, unless the Department, in its sole discretion, determines that life threatening or medically terminal circumstances involving the requesting party warrant taking a particular request out of order, which reason shall be noted in the post-adoption record.
 - (3) No search for or authorization for access to records shall be processed or copies of records provided until the fees required by 0250-7-12-.07 have been paid or a fee waiver determination required by 0250-7-12-.07 has been completed unless the Department shall determine, in its sole discretion, that access should be provided prior to payment of the fee or the fee waiver determination because of a life threatening medical emergency affecting the health, safety, or welfare of any person(s) or because of a medically terminal circumstance involving the requesting party.
 - (4) After the initial search and response to the requesting party, the Department will not conduct another search for six (6) months unless, in the Department's sole determination, satisfactory evidence is provided that warrants further attempts and processing of a request for access to records. No more than two (2) records search or contact attempts shall be required to be conducted by the Department, unless, in the Department's sole discretion, circumstance warrant further attempts.
 - (5) The Department will notify the requesting party of the preliminary findings regarding eligibility determination and the fee for the opening of the sealed record or the sealed adoption record to further verify eligibility.
 - (6) Whenever a determination of the death of a person is necessary to process records requests pursuant to this Chapter, the determination shall be made by the presentation of a death certificate, an obituary from a newspaper which shows the date of publication, by court order, or by such other reliable demonstration of such event as the Department may determine, in its sole discretion, is satisfactory evidence of such event.

Authority: T.C.A. §§36-1-101 et seq., 36-1-131, 36-1-139 through 36-1-141, 37-5-112, 71-1-105(12), Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed August 12, 1992; effective November 12, 1992. Rule 0250-7-12-.03 has been assigned a new

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control number, removed, and renumbered from Chapter 1240-7-6-.03 filed and effective April 2, 2001. Amendment filed October 26, 2001; effective January 9, 2002.

0250-7-12-.04 PERSONS ELIGIBLE TO REQUEST AND RECEIVE ACCESS TO RECORDS.

- (1) If the adoption of the person for whom access to the adoption records, sealed records, sealed adoption records, or post-adoption records is sought was finalized by the entry of an order of adoption or an order of dismissal, or if the adoption petition involving the person was filed on or after March 16, 1951, or if adoption of the person was attempted or otherwise never completed due to the abandonment as determined by the Department, on or after March 16, 1951, of any further necessary activity related to the completion of the adoption, and a record exists, access to those records as permitted by this Chapter will be provided to an eligible person pursuant to the following provisions, the Contact Veto provisions in Section 0250-7-12-.06, the verification requirements of this Chapter and following the required payment of or waiver of any fees set forth herein, and any other necessary requirements of this Chapter.
- (2) The following are persons eligible to request access to records:
 - (a) An adopted person twenty one (21) years of age or older, for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained, or the legal representative of such person; and which adoption was finalized by the entry of an order of adoption or an order of dismissal, or if the adoption petition was filed for such person on or after March 16, 1951, or which adoption of such person was otherwise never completed due to the abandonment, as determined by the Department, on or after March 16, 1951, of any further necessary activity related to the completion of the adoption; and
 - (b) The birth/adoptive/step parents, the siblings, lineal ancestors or lineal descendants, or their legal representatives, of the adopted person or a person twenty-one (21) years of age or older, or a person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained, with the express written permission of the adopted person or a person for whom sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained. Without the written consent of the adopted person or a person for whom sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained, the only information that will be released from the records to persons eligible pursuant to T.C.A. § 36-1-133(a) in this subparagraph is non-identifying information as permitted by T.C.A. § 36-1-133(b)(1)-(7).
- (3) Except in cases arising pursuant to Tennessee Code Annotated, § 36-1-127(b) or § 36-1-138, no access to identifying information in any adoption record, sealed record, sealed adoption record, post adoption record or adoption assistance record, shall be granted:
 - (a) To any parent, pre-adoptive guardian, sibling, lineal descendant or lineal ancestor of a person for whom records are maintained under the age of twenty-one (21); or
 - (b) At anytime to the adoptive person's parent or pre-adoptive guardian, whose rights were involuntarily terminated for cause in a termination of parental rights proceeding, or the spouse of such person, or to the adopted person's sibling, lineal ancestor, or legal representative of such person; or
 - (c) To any persons whom the sealed record, sealed adoption record or the post adoption record indicate were guilty of a crime of violence or neglect (as neglect is defined in the Department's

(Rule 0250-7-12-.04, continued)

Child Abuse Manual) involving the person who was placed for adoption or who was the subject of the termination of parental rights by court action or by surrender or parental consent.

- (4) Eligibility requirements for access to records:
 - (a) Verification of the identity of the requesting party must be made in such manner as is satisfactory to the Department based upon the review of the records or based upon any other satisfactory information provided by the requesting party.
 - (b) Fees as provided in Section 0250-7-12-.07 must be paid or waived as provided by Section 0250-7-12-.07.
 - (c) Persons who are eligible to receive access must sign a sworn statement regarding restrictions on contact as described in the definition in Section 0250-7-12-.02 (45) of this Chapter.
 - (d) A new Sworn Statement may be filed at any point prior to initiation of the search. Once the search has been initiated, the search must be completed in accordance with the Sworn Statement on file at the time the search was initiated.
 - (e) The adopted person and the other eligible individual must be twenty-one (21) years of age or older.
 - (f) No identifying information from the records, sealed adoption records or post adoption records shall be released without the written consent of the biological mother if such records indicate by any evidence that, with respect to the adopted person, the biological mother was the victim of rape or incest.
 1. If, after a diligent search for a biological mother who is determined to have been the victim of rape or incest, the Department obtains information about the death of such parent, the requesting party will be notified of that person's death and whether or not the Department has verified this fact.
 2. If, after a diligent search for a biological mother who is determined to have been the victim of a rape or incest, the Department is unable to locate the biological mother, the requesting person will be notified and no access to records will be permitted except as otherwise permitted by Tennessee Code Annotated, § 36-1-138(c)(7).

Authority: T.C.A. §36-1-101 et seq., Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.

0250-7-12-.05 PROCEDURES FOR ACCESS TO RECORDS:

- (1) When a request is made by an adopted person or a person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained, the Department will make a determination of eligibility as set forth in Section 0250-7-12-.04 above and shall require the requesting party to sign the sworn statement acknowledging the restrictions on contact with persons who are eligible to file or who are protected by a contact veto or who may otherwise be protected from contact without their written consent.
- (2) If after review of all available information the Department is unable to verify the adoptive status of an individual or the relationship of biological or legal relatives, no access to records, no authorization for contact and no transmittal of information as permitted by this Chapter will be authorized.

(Rule 0250-7-12-.05, continued)

- (3) If relationship, verification of identity, or other facts necessary to permit access to the records cannot be determined from any information made available to the Department or if other circumstances pursuant to these rules, including denial of a fee waiver, require, then the person requesting access shall be notified by the Department that access to the records has been denied. The requesting person shall be notified of the basis for denial of access in writing and the person may request a fair hearing pursuant to the Department's rules.
- (4) Prior to the release of any records to an eligible person, written notification will be given to a person registered on the Advance Notice Registry, who is identified in the adoption record, sealed record or sealed adoption record. A period of notice will be given 15 days prior to release of records.
 - (a) Persons eligible to register with the Advance Notice Registry include those persons eligible for access to records pursuant to § TCA 36-1-127(c).
 - (b) To be registered with the Advanced Notice Registry, an eligible person must notify the Department in writing on a form provided by the Department, provide satisfactory proof of identity and pay the fees in accordance with 0250-7-12-.07 or be determined eligible for a fee waiver in accordance with 0250-7-12-.07.
 - (c) A person whose name is entered in the Advance Notice Registry shall advise the Department any change in the person's address. Such notice must be in writing to the Department.
- (5) If the requesting person seeks contact with any persons eligible to file a contact veto, the Department shall search the Contact Veto Registry pursuant to Section 0250-7-12-.06 to determine the status of contact vetoes.
- (6) If consent for contact is shown from the Registry records or is given by the person with whom contact is sought either by withdrawing or varying the veto, or if the adopted person or a person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A), or their legal representative, give permission for contact or for release of identifying information, the department shall, upon satisfactory proof of identity of the person who wishes to file a written withdrawal or variance of the contact veto and in conformity with the consent or the varied veto, notify the person making the original request of this fact and shall provide such information as may be available to establish contact or shall provide such identifying information as may be released from any record in conformity with this part by the adopted person or a person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A), or their legal representative.
- (7) If the contact veto remains intact, or if the adopted person or a person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A), or their legal representative, refuse contact or refuse to release identifying information, the person making the request for contact or information may place his or her name, address, and telephone number in the registry to request notification from the department should the contact veto be varied or withdrawn or permission for release of identifying information be given, or such requesting person may, in writing, permit the department to release his or her name, address, and telephone number to the person who had entered the contact veto or who had denied contact or who had denied the release of identifying information, and that person may contact the requesting person at his or her discretion without further involvement of the Department.
- (8) If the person with whom contact is sought is not registered with the Contact Veto Registry, the Department shall conduct a diligent search for such person. Such search shall be based upon information contained in the sealed records, sealed adoption records, or post-adoption records or such other information as may be made available to the Department.

(Rule 0250-7-12-.05, continued)

- (9) If after the diligent search , the person being sought cannot be located, the diligent search efforts will be reviewed by the Program Manager for Post Adoption Services. Such review shall include, but not be limited to, a review of the information contained in the sealed records, the sealed adoption record(s), the post adoption records and any other available information source used by the Program Specialist or Case Manager in conducting the diligent search. The Program Manager will ensure that, in the Department's discretion, all leads have been thoroughly exhausted prior to the search efforts being shared with the person to whom service is being rendered.
- (10) After the completion of a diligent search and notification to the person sought of the inquiry and the Department's determination of relationship to the requesting party, the person sought will be given ninety (90) days from the date written notice is sent by the Department to submit the Contact Veto Registry form with the fee to register their desires for contact with the Contact Veto Registry.
- (11) If the no contact statement is timely and effectively filed as required by Section 0250-7-12-.06, the person requesting contact shall be notified and no contact will be permitted. If the no contact statement is not timely and effectively filed, then the requesting party shall be notified and there will be no further restrictions on the requesting party for contact with the person sought, unless such person is an adopted person or a person for whom records are maintained as described T.C.A. § 36-1-127(c)(1)(A) or unless such person is a person for whom an automatic veto applies pursuant to T.C.A. § 36-1-130(a)(6)(A)(I). Written notice shall be effective upon the date the notice is sent.
- (12) If a request is made under this Chapter to have contact with an adopted person or person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A) by an eligible parent, sibling, lineal descendant, or lineal ancestor of such person or the legal representative of the requesting party under this provision, the department will make a diligent effort to contact the adopted person or person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A), or such person's legal representatives, based upon information contained in any records which it maintains or based upon any information which it is given by the parent, sibling, lineal descendant, or lineal ancestor of such person or the legal representative of those persons. The Department shall determine if the adopted person or person for whom records are maintained as described in T.C.A. § 36-1-127(c)(1)(A) who is twenty-one (21) years of age or older, or such person's legal representative wishes to permit contact or wishes to release identifying information. They may then give the Department written direction relative to the desire for contact or for the extent of identifying information such person wishes to release.
- (13) If permission is given by the adopted person or a person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained, the Department will require the requesting person or such person's legal representative, to sign the sworn statement concerning restrictions on contact or use of any identifying information permitted or allowed to be released under this Chapter.
- (14) Any Tennessee courts, the Tennessee Department of General Services or Health, licensed child-placing agencies, or licensed clinical social worker, who are requested by any eligible person for access to records must receive authorization for release of information from the Post Adoption Unit of the Department; provided this shall not be construed to preclude the opening of such records by court order as provided by law.
- (15) When the adopted person's birth was the result of rape or incest the biological mother must consent to the release of the records or information contained in the records.
- (16) If an adopted person is deceased or is disabled as defined for purposes of appointment of conservator under Title 34 of the Tennessee Code Annotated, the lineal descendants may petition the court pursuant

(Rule 0250-7-12-.05, continued)

to T.C.A. § 36-1-138(c)(7), to be given access to the records of such person. A lineal descendant given access to records under that provision is subject to all the requirements of the Contact Veto process.

- (17) The requesting person will only have access to information which is a part of the adoption records, sealed records, sealed adoption records and post-adoption records at the time access to the records is allowed. Any information placed in the post-adoption records after access to the records and as a result of a diligent search will be sent to the requesting person at the conclusion of the diligent search and provision of service. Any information placed in the post adoption record subsequent to sending the information gathered as a result of the diligent search and provision of service will only be made available upon subsequent written request and payment of the fee by the requesting person.
- (18) The post-adoption unit staff will review all records prior to their release to the adopted person or other eligible persons to determine eligibility of the person requesting to have access.
- (19) When review of the record reveals that information in the records pertains to other individuals not a party to the adoption or placement of, or maintenance of a record about, an adopted person, or other eligible persons requesting the records, and the review demonstrates to the Department that the record has apparently been misfiled, that information will be reviewed by the Director of Adoptions and such information will be removed and filed in the correct adoption record, sealed record, sealed adoption record or post-adoption record or in a new sealed record created for the holding of such information.
- (20) Home studies pertaining to adoptive parents will be removed from the sealed records or sealed adoption records prior to the review and/or copying of the record for the eligible person. Information relating to the counseling of a biological mother regarding crisis pregnancy counseling will be removed from the sealed records or sealed adoption records prior to the review and/or copying of the record for the eligible person.
- (21) Verification:
 - (a) Records will be opened by the Department to determine the adoptive status of the adoptive person and the relationship of the adopted person and other legal and biological relatives requesting access to the records. Information in the record must verify or substantiate the information supplied by the person sought or the requesting person.
 - (b) Proof of relationship must be shown by satisfactory evidence to the Department.
 - (c) If after review of all available information the Department is unable to verify the adoptive status of an individual or the relationship of biological or legal relatives, or the status of any legal representative, no access to record, no authorization for contact or no transmittal of information will be authorized.
- (22) Distribution of photographs and letters/cards:
 - (a) Any photographs or letters/cards addressed to a specific individual contained in the sealed records or sealed adoption records and Post-Adoption Records shall be given to the adopted person or person to whom the letter is addressed who requests access to the record. Photocopies of such pictures/letters/cards shall be made for the sealed record, sealed adoption record, or post-adoption record, and a notation will be made in the sealed record, the sealed adoption records, and in the post-adoption records stating to whom the photographs/letters/cards were given and the date such original photographs/letters/cards were removed from the record.
 - (b) In the event the adopted person is deceased, the original photographs will be given to the lineal descendant who first receives a copy of the record by court order pursuant to T.C.A. § 36-1-

(Rule 0250-7-12-.05, continued)

138(c)(7). Photocopies of the photographs/letters/cards will be made and preserved as stated in subparagraph (a) above.

- (23) Procedure when no sealed record or sealed adoption record exists under the supervision of the Department:
- (a) When no sealed record or sealed adoption record is on file with the Department, the identity of the person making the request for access to a record in any information source must be verified and the person determined to be eligible to have access to the record. The eligible person must identify the Tennessee court believed to have granted the adoption or which had jurisdiction of the adopted person's adoption proceeding and/or the Tennessee licensed or chartered child-placing agency which had made the placement of the adopted person or which had maintained the person's record.
 - (b) If the Tennessee agency is no longer in existence the Department will not conduct a search for the record of that agency, unless information is provided to the Department which will enable the Department to locate the record.
 - (c) When the request for access to a record or contact with an eligible person is made by a biological relative and no sealed record or sealed adoption record is on file with the Department, the person making the request must provide information such as the individual's full name, date of birth, county of birth, full names of individual's parents, and/or the Tennessee licensed or chartered child-placing agency with whom the birth parent(s) had received service.
 - (d) When a request for service is received and Department has no sealed record or sealed adoption record, the person requesting the service will be notified. This notification will explain the services available to search for a record, any additional information which may be needed for the search, and the fee for the service.
- (24) Those persons who, according to the post-adoption file, have received a copy of their sealed record or sealed adoption record by court order, but have not had access to the post-adoption record and/or wish to receive a letter of authorization for information from any other information sources, will be notified of the services available and the procedures necessary to access the record, and the fee for such service. For those eligible persons who have received all records, including sealed records, sealed adoption records, and post-adoption records, and who are only requesting a letter of authorization, such letter of authorization will be provided to such persons. No authorization for a release of information from any other information sources will be provided by the Department until the fee for service has been received or the fee waiver request has been granted or the fee waived as otherwise provided herein.
- (25) All courts and agencies which are discovered not to have sent to the Department information which should be a part of the sealed record or the sealed adoption record after March 16, 1951 and prior to the effective date of these rules will be asked to send such information within sixty (60) days of the request for such documents.
- (26) Notification of certain persons:
- (a) Age
 - 1. Any notification required to be made as part of a search or a contact or an identifying information request pursuant to this part for an adopted person or a person for whom records are maintained as described under T.C.A. § 36-1-127(c)(1)(A) shall be made with such persons who are twenty-one (21) years of age or older, or with the legal representative of such persons.

(Rule 0250-7-12-.05, continued)

2. Any notification for search or contact requests involving the biological or legal relative, who is under twenty-one (21) years of age, of the adopted person or person for whom records are maintained as described under T.C.A. § 36-1-127(c)(1)(A), shall be with the parents or legal representative of such biological or legal relative; and, or;
 3. Any notification involving any other persons who are subject to contact for search requests or contact requests under this part shall be made with those persons who are twenty-one (21) years of age or older or with the known legal representative of any such persons.
 4. If the person sought is stated to be under twenty-one (21) years of age, the person filing on the Registry for this minor must submit proof of the minor's age and relationship of the filer. Contact will not be made with a person under twenty-one (21) when verification has been provided to establish that this person is under twenty-one (21).
- (b) Any decision to permit contact or to permit the disclosure of information authorized by this part to be disclosed under subsection (a) shall be made, as the case may be:
1. By the adopted person or a person for whom records are maintained as described under T.C.A. § 36-1-127(c)(1)(A) in subdivision (a)(i) twenty-one (21) years of age or older, or their legal representative; or
 2. By the parents or by the legal representative of the biological or legal relative in subdivision (a)(ii), who is under twenty-one (21) years of age, of the adopted person or person for whom records are maintained as described under T.C.A. § 36-1-127(c)(1)(A).
 3. By those other persons in subdivision (a)(iii) who are twenty-one (21) years of age or older or by the known legal representative of any such persons.
 4. Incompetent Persons:
 - (i) If a person is alleged to be incompetent, legal proof that the person has been declared incompetent must be provided to the Department along with legal documents verifying the person who has been appointed Power of Attorney, Guardian, or Conservator. This legally appointed person will act in filing the Contact Veto Registry on behalf of the incompetent person.
 - (ii) If a person is alleged to be incompetent but there has been no legal action to establish incompetency and there is no legal representative to act in their behalf, the Department will make every effort to communicate with the person verbally or in writing to establish identity. Once identity of the alleged incompetent person is established, the Department will send the Contact Veto Registry form to that person.
 - (iii) If identity of the alleged incompetent person cannot be established and there is no legal representative to act in their behalf, the Department must notify the person who has sought contact that the person with whom contact is desired was not located.
- (27) When all records have been reviewed by the eligible person and any copies made, the record will be returned to the information source; provided, however, the Department will make copies, if necessary, of all records which are not maintained by the Department or the Department of General Services, for

(Rule 0250-7-12-.05, continued)

future reference. The Department will establish a sealed record or a sealed adoption record to maintain the information it receives as a result of such circumstance.

Authority: *T.C.A. §36-1-101 et seq., Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996).* **Administrative History:** *Original rule filed October 26, 2001; effective January 9, 2002.*

0250-7-12-.06 PROCEDURES FOR FILING CONTACT VETO OR GIVING CONSENT:

- (1) Persons either before or after the age of 21 eligible to file with the Contact Veto Registry are:
 - (a) The spouse of the adopted person;
 - (b) The birth/adoptive/step/legal parent of the adopted person;
 - (c) The birth or adoptive siblings of the adopted person;
 - (d) The lineal ancestors or lineal descendants of the adopted person;
 - (e) The legal representative of the persons in subparagraphs (a)-(d).
- (2) An adopted person or person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained or their legal representatives are not required to register a contact veto to prohibit the release of identifying information or to prohibit contact by other requesting persons [T.C.A. § 36-1-127(ii)].
- (3) A request to obtain a Contact Veto Application form to register, withdraw, vary or alter a contact veto or a consent to contact is made to the Post Adoption Unit of the Department in writing, by telephone or in person. A registration form is provided by the Department for the purpose of registering a veto or consent to contact. A veto of contact or consent to contact is not effectively filed until the completed form is filed, all required fees are paid or waiver of fees are granted and the filing party has supplied satisfactory proof of identity to the Department [T.C.A. § 36-1-129(a)(2)]. Should the person for whom a search is conducted by the Department and who is eligible to file a Contact Veto Registry Application request a fee waiver consideration, determination of fee waiver eligibility which extends beyond the ninety (90) day period shall not affect the timely filing of the contact veto if the form is filed by the ninetieth (90th) day.
- (4) If the individual with whom contact is requested is not identified in the record, and is not registered with the Contact Veto Registry, and no contact veto is on file, the Department will conduct a diligent search to confirm the identity and relationship of the person being sought to the requesting party. When the Department does not have satisfactory evidence or is unable to obtain evidence to confirm the identity or relationship of the party sought, the requesting person will be notified that no contact can be made and no transmittal of information is allowed [T.C.A. § 36-1-137(a)].
- (5) If a person effectively files a contact veto in conformity with this Chapter, the contact veto shall, in addition, automatically protect and apply to the person's spouse, siblings or future siblings, lineal descendants and lineal ancestors and any spouses of those other persons, but the filing person may exclude from such protection and application, by specific reference, any such relatives or spouses where permission is given to the Department in writing by the person filing the contact veto.
- (6) The spouse of the person filing the automatic veto and the siblings, lineal descendants and lineal ancestors and any spouse of those persons, or the legal representatives of any persons eligible to file a contact veto may also give written consent to the Department for release from the automatic veto or to alter or vary the automatic veto as the automatic veto applies specifically to that person, and if

(Rule 0250-7-12-.06, continued)

- contacted by the Department pursuant to this Chapter in response to a search request, may agree to contact.
- (7) If, because contact vetoes or consents are filed on the same date, the Department is unable to determine which was filed first, the contact veto shall be deemed to be the first filed and the automatic provisions of such veto shall apply unless specifically excluded by the filing person.
 - (8) A contact veto or consent registration may be varied or withdrawn by the person filing a veto by completion and filing of a form supplied by the Department, supplying verification of identity of the person seeking to vary or alter the contact veto or to give consent and by paying the required fees.
 - (9) If a contact veto or consent for contact is filed, the Department will notify the filing person of any request for contact with the filing person.
 - (10) Contact Veto Prohibitions:
 - (a) The person receiving access to records or identifying information shall sign a sworn statement which identifies the civil and criminal penalties provided by T.C.A. § 36-1-132 before access to records or identifying information is permitted.
 - (b) No person requesting access to the records, whether acting alone or in concert with any other person(s) or entities, shall at anytime contact or attempt contact with any person(s) who are eligible to file a Contact Veto or who are protected by an automatic contact veto or who are protected from contact as an adopted person or a person for whom adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained until the completion of the search by the Department pursuant to the provisions of this Chapter and T.C.A. § 36-1-101 et seq., and notification to the requesting person by the Department.
 - (c) Violation of this prohibition shall make the requesting party, his or her agents, or any person(s) acting in concert with them subject to the legal remedies pursuant to T.C.A. § 36-1-132.
 - (11) Once a requesting person receives access to the record and the requesting person wishes to seek contact with other persons who are eligible to register with the Contact Veto Registry the requesting person must initiate such request for contact through the Department and adhere to the same procedures for access to the record and the Contact Veto provisions of this Chapter for any additional persons with whom contact is sought.
 - (12) If the person who is the subject of the search is a person other than the adopted person or a person for whom a record is maintained and whose relationship to the requesting party has been confirmed by evidence satisfactory to the Department cannot be located after diligent search, including the sending of notice to the last known mailing address of such person, the Department shall inform the person requesting the search of this fact in writing and that person shall be under no further restrictions against contact with the person who has been sought.
 - (13) Pursuant to T.C.A. § 36-1-134, the Department will transmit information between the requesting person and person being sought when the person sought has filed with the Contact Veto Registry giving permission for contact by way of receipt of transmitted information. The Department may request a fee to cover the cost of this transmission.

Authority: T.C.A. §36-1-101 et seq., Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.

**0250-7-12-.07 FEES AND CHARGES FOR RECORDS ACCESS AND FILING OF CONTACT VETOES,
CONTACT AND OTHER SERVICES.**

- (1) Fees and charges for access to records, and contact:
 - (a) The fee for processing an initial written request for records pursuant to this Chapter shall be \$150.00; provided, however, that a request to open other records related to the initial request shall incur an additional fee of \$50.00 for each additional record.
 - (b) The fee for a search for eligible persons with whom contact is sought will be \$135.00 regardless of the number of persons or classes of persons who the requesting person has included in each request.
 - (c) A fee of \$50.00 will be charged for providing access to a post-adoption record which is requested and which, prior to the effective date of these rules, has not been provided by court order or which has not been previously requested in the initial request as stated above.
 - (d) When the eligible person has had access to or has in their possession a copy of the adoption records, sealed records, sealed adoption records, or post-adoption records and is requesting only a letter of authorization to use in obtaining other records from other information sources, the fee for such letter will be \$50.00.
 - (e) After the initial request for service has been made, any subsequent service request will incur a fee of \$50.00.
- (2) A fee of twenty-five (25) cents per page will be charged for the costs of copying any records requested.
- (3) The person(s) requesting access or the transmission of information pursuant to T.C.A. § 36-1-134, will be assessed a fee sufficient to cover the costs of shipping or copying any records from information sources for review by the Department.
- (4) If in determining a person's eligibility, it is determined that the requesting person is not eligible to access records under T.C.A. § 36-1-127(a)(1), (2), (3) [Rules - Chapter 0250-7-7 Access to Adoption Records Finalized Prior to 1951 and Access to Records Maintained by the Tennessee Children's Home Society] but is eligible under T.C.A. § 36-1-127(c)(1)(A), that person will be notified and provided service in accordance with the Rules [Chapter 0250-7-12 Access to Adoption Records for Adoptions Finalized On and After March 16, 1951] and without additional fees.
- (5) Contact Veto Registry fees for filing/withdrawing
 - (a) The fee for processing an initial request with the Contact Veto Registry for no contact or consent shall be \$25.00.
 - (b) An additional fee of \$25.00 will be required to vary or withdraw the original filed request.
- (6) Advance Notice Registry fees for filing/varying:
 - (a) The fee for processing an initial request to register with the Advance Notice Registry is \$25.00.
 - (b) An additional fee of \$25.00 will be required to vary the original filed request.
- (7) Fee Waiver:
 - (a) Fee waiver determinations for access to records or for filing of no contact veto, varying, altering or withdrawing a consent or veto request will be made only upon request of the individual after

(Rule 0250-7-12-.07, continued)

notice by the Department of the fee requirement following receipt of the person's written request.

- (b) No fee will be charged to any person who receives, or whose family unit currently receives, Temporary Assistance For Needy Families (TANF), or any other means-tested cash assistance program which may replace TANF, or Food Stamps or any other means-tested food assistance program which may replace the Food Stamp program, or if the person currently receives Medicaid or TennCare which is based upon a means test which places the person below Federal Poverty Guidelines as published in the Federal Register, or if the person receives any other means-tested medical assistance program which is based upon a means test which places the person below Federal Poverty Guidelines as published in the Federal Register, or if the person currently receives Supplemental Security Income (SSI) under Title XVI of the Social Security Act.
 - (c) The person requesting the fee waiver will be required to provide written verification of current eligibility for any of the above designated programs from the administering agency.
 - (d) If the person cannot show such verification of eligibility under the above programs, the person requesting the fee waiver will be required to complete a sworn declaration of the source and amount of income and resources on a form provided by the Department. If the person's family unit's income, based upon its size, does not exceed the current threshold level of income in the Federal Poverty Guidelines as published periodically in the Federal Register and if the family unit's non-exempt resources do not exceed \$1,000, the fee for search will be waived.
- (8) Payments for records searches shall be made to the Fiscal Services Section of the Department of Children's Services at the address given by the Department. Payments by mail may be made by personal check, cashier's check, or money order payable to the Department of Children's Services at this address. Cash will be accepted only when hand-delivered to the Fiscal Services Section at the address given by the Department.
 - (9) Unless waived as provided herein, fees for service will be charged for each service requested on behalf of, or by each individual who requests service.
 - (10) All fees or other charges shall be deposited with the State Treasurer in accordance with the provisions of T.C.A. § 9-4-301.

Authority: T.C.A. §36-1-101 et seq., Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.

0250-7-12-.08 APPENDIX – FORMS.

- (1) Sworn statement for access to adoption records, sealed records, sealed adoption records or post-adoption records of an adoption or attempted adoption of such person are maintained:

(Rule 0250-7-12-.08, continued)

***[READ CAREFULLY. COMPLETING THIS DOCUMENT INDICATES
YOU UNDERSTAND THE LEGAL PENALTIES IF YOU VIOLATE THE
TERMS OF THIS DOCUMENT]***

Sworn Statement for Access To Records
Tennessee Code Annotated §§ 36-1-127 through 36-1-132 and § 36-1-141

STATE OF _____
COUNTY OF _____

1. Being duly sworn according to law, I _____,
Full Name, Including Maiden & Married Name

(Rural Route/Street/P.O. Box) (City/Town) (State) (Zip)

_____ acknowledge and affirm that I understand the following terms governing my
(Date of Birth)
access to adoption records, sealed records, sealed adoption records, or post-adoption records maintained by the
Department of Children’s Services or any other information source.

2. Having been determined eligible to receive access to the adoption records, sealed records, sealed adoption
records and post adoption records of myself () or others () (check one), (if other, please identify relationship
_____), for whom adoption records, sealed records, sealed adoption records or
post-adoption records of an adoption or attempted adoption are maintained:

(a) I understand and avow that after I receive any of the records noted above through the Department of
Children’s Services, I will not, either alone, or acting with others, attempt to establish contact or establish any
contact personally or by correspondence, nor will I attempt to establish contact or establish any contact by any other
means of contact with either the persons in the classes of persons described in Paragraph 6 below who may be
discovered or otherwise identified in the records to which I am given access and who may have filed a contact veto
or who may be eligible to register with the Contact Veto Registry or who may be protected by a current contact veto
unless I receive consent from those persons through the Department of Children’s Services. I understand that if I
wish to have contact with those persons after I receive access to these records, that the Department of Children’s
Services must complete a search for such persons to determine if those persons have filed a contact veto or are
protected by a contact veto prohibiting contact by me with them, or to determine if those persons wish to file a
contact veto to prohibit or permit contact by me with them. (T.C.A. §§ 36-1-127, 36-1-130, and 36-1-131)

(b) I understand that an adopted person does not have to register a contact veto and may not be contacted
by me or by any person(s) acting with or through me without that adopted person’s written consent to the Department
and notice of the consent is given to me by the Department. I avow that I will not have contact with that adopted
person without such consent. T.C.A. § 36-1-130(a)(6)(A)(vi).

3. I understand that, after obtaining information from the adoption records, sealed records, sealed adoption
records, post adoption record or any other information source, should I or any other person use such information to
cause injury to the person(s) whose name(s) are contained in the records and who are listed in the classes of persons
in Paragraph 6 below, or who is an adopted person, whether or not consent has been given for contact, I may be
guilty of committing a Class A misdemeanor, which is punishable by 11 months and 29 days in jail, and a fine of up
to \$2,500. The injured party shall have cause of action in the circuit or chancery court for injunctive relief and
damages, including both compensatory and punitive damage against me or any person who uses the information in
violation of these laws. [T.C.A. § 36-1-132(f); § 36-1-130, and § 36-1-127(f)].

(Rule 0250-7-12-.08, continued)

4. I understand that if I should contact, or attempt to contact, the persons who have filed a contact veto, persons to whom a contact veto applies, or if I should improperly contact an adopted person, or if I should cause those persons to be contacted through the use of a third party, then those persons shall have a cause of action in circuit or chancery court for injunctive relief and damages, including both compensatory and punitive damages against me or any person who has contacted, attempted to contact, or caused to be contacted. [T.C.A. § 36-1-127(f); § 36-1-130; and § 36-1-132(a)].

5. I understand that if I knowingly provide false information with regard to this statement or any information which I provide to the Department in regard to a search request, that such action constitutes a Class E felony punishable by 1-6 years in prison and a fine of up to \$3,000. (T.C.A. § 36-1-139).

6. I understand that those persons eligible to register with the Contact Veto Registry are:

- (a) a parent of the adopted person;
- (b) a sibling of the adopted person;
- (c) a lineal descendant of the adopted person (i.e., children or grandchildren)
- (d) a lineal ancestor of the adopted person (i.e., a parent or grandparent);
- (e) a spouse of an adopted person; or
- (f) the legal representative of any person described above.

NOTE: You may not have contact with any persons in the categories stated above whose identities are discovered in the records supplied to you without their consent and without notification by the Department as to the status of their refusal, or permission, to have contact if you do not state at this time the relationship of the person(s) with whom you wish to have contact so that the Department can make such a determination. If you are a person in the classes identified in parts (a)-(f) above, you may not contact an adopted person without that person's written consent given by that adopted person to the Department and notification by the Department to you as to the status of that adopted person's refusal, or permission, to have contact. [T.C.A. § 36-1-127(f); § 36-1-129]

I understand that if the sealed records, sealed adoption records or the post adoption records do not establish the alleged parent's relationship, the Contact Veto Registry must be cleared and I will be notified in writing by the Department of my rights to pursue contact with this person.

7. I wish to have contact with one or more of the persons eligible to register with the Contact Veto Registry. Yes No If yes, please identify by relationship and whether such person(s) are birth or adoptive relative(s).

BIRTH OR ADOPTIVE

RELATIONSHIP

8. It is my understanding that the Department will determine if the person(s) I have listed have registered their preference for contact with the Contact Veto Registry or, if they are not registered on the Contact Veto Registry, the Department will conduct a diligent search for those persons I wish to have contact with to allow those persons the opportunity to file, withdraw or vary their desires for contact with the Contact Veto Registry. (T.C.A. § 36-1-130(a)(6)(A)(iii)(iv).

9. I understand that I will be advised by the Department of the response of the person(s) with whom contact is desired and, if permission for contact is given by the person(s) with whom I seek contact, the Department will provide me with such information as may be available to establish contact. (T.C.A. § 36-1-130(c)).

(Rule 0250-7-12-.08, continued)

10. Should a contact veto have been filed by, or on behalf of, the person with whom contact is sought or if a contact veto is timely and effectively filed by the person with whom contact is sought after locating such person(s) as the result of a search, the Department will notify me in writing of such contact veto and no contact will be permitted. (T.C.A. § 36-1-131 (b)(2)(B)).

11. If the contact veto is required to be filed by a person for whom a search has been conducted and the veto has not been timely and effectively filed after location of the person(s) sought, the Department will notify me in writing and I will be permitted to attempt contact with the person(s) being sought only when directed by the Department. (T.C.A. § 36-1-131 (b)(2)(B)).

12. If the person with whom contact is sought cannot be located after a diligent search, I will be sent written notification by the Department. Then, and only then will I be under no further restrictions against contact with the person who has been sought. (T.C.A. § 36-1-131 (2)(B)(c)).

13. I understand that if I desire to have contact with any person that has not been identified in Paragraph 7 above at any point in the future I must again advise the Department of this request and the procedures described in this form and the rules of the Department regarding search and contact as stated above must be followed and an additional fee must be paid for this service. A new Sworn Statement may be filed at any point prior to the initiation of the search. Once the search has been initiated, the search must be completed in accordance with the Sworn Statement on file at the time the search was initiated.

FURTHER, AFFIANT SAITH NOT.

(Signature) _____

Sworn to and subscribed before me this _____ day of _____, 19_____.

(Notary Public)

My commission expires _____.

(2) Contact Veto Registry Application - Birth Relative:

(Rule 0250-7-12-.08, continued)

TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES CONTACT VETO REGISTRY

INTRODUCTION

I understand that contact with me may be requested by certain classes of eligible persons who, as may be permitted by law, may have access to the sealed records, adoption records, sealed adoption records or post adoption records and those records in any other information source.

An adopted person twenty-one (21) years of age or older, or his or her legal representative, is eligible to request access to these records.

With the written permission by the adopted person to the Department of Children's Services, the adopted person's birth or adopted parents or step-parents, the birth or adopted siblings of the adopted person, lineal ancestors or lineal descendants twenty-one (21) years of age or older, of the adopted person or their legal representative may also obtain access to those records.

The class of eligible persons may be revised periodically by changes to the law.

I understand that no contact, whether by personal contact, correspondence or otherwise shall be made in any manner whatsoever by those requesting persons or any agent or other person acting in concert with those requesting persons, with any person eligible to file a contact veto except as permitted by law. The adoption record, sealed record, sealed adoption record or post-adoption record requested by eligible persons shall be made available to the requesting party only after completion by the requesting party of a sworn statement agreeing that he or she shall not contact or attempt to contact, in any manner, by themselves or in concert with any other persons or entities, any of the persons eligible to file a contact veto until the Department has completed a search of the Contact Veto Registry to determine the willingness of the person sought to have contact with the requesting party. [I understand that no contact may be made through any information contained in the records which I receive. (T.C.A. § 36-1-127(f), 36-1-130 and § 36-1-131)] I also understand that should I be contacted after filing a contact veto, I shall have a cause of action in the Circuit or Chancery Court for injunctive relief and damages, including both compensatory and punitive damages, and attorneys fees against any person who has contacted, attempted to contact, or caused me to be contacted [T.C.A. §36-1-132].

Any person who, after obtaining information from the records, uses such information to cause injury to the person whose name was obtained under this part, commits a Class A misdemeanor [T.C.A. § 36-1-132]. Further, any person who has been injured pursuant to this subsection shall have a cause of action in the Circuit or Chancery Court for injunctive relief and damages, including both compensatory and punitive damages, against any person who uses the information in violation of this subsection.

I understand that contact with me by an eligible person is governed by filing my intentions with the Contact Veto Registry.

I understand there is a fee for filing with the Contact Veto Registry. I understand that should there be a request for contact with me and I have vetoed contact with any eligible person, I will be contacted and informed by the Department of Children's Services to determine my desires for contact at that time and will be given the opportunity to vary or modify my request. [If, however, I cannot be located or do not submit a modification or withdrawal to the contact veto I have previously filed, I understand that my contact veto remains in effect.[T.C.A. §36-1-130(b)(1)].

I understand that I may vary this contact veto by indicating my desires for contact, if any, with the eligible persons and the means of contact I wish to have with particular eligible persons. [T.C.A. §36-1-111(k)(3)(b); §36-1-127-36-1-131]. In doing so, I understand I must write to the address below and request the necessary forms to complete and file with the Contact Veto Registry and pay any necessary fees:

(Rule 0250-7-12-.08, continued)

**CONTACT VETO REGISTRY
POST ADOPTION SERVICES
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
8th FLOOR
436 6TH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-1290**

(Rule 0250-7-12-.08, continued)

CONTACT VETO REGISTRY APPLICATION BIRTH RELATIVE

SECTION 1: INFORMATION ABOUT YOURSELF
(Everyone must complete this section)

CHECK APPROPRIATE BLANK:

Initial Filing _____ Varying Previous Filing _____

PLEASE COMPLETE THE FOLLOWING SO THAT YOU MAY BE LOCATED IN THE FUTURE BY THE DEPARTMENT CONCERNING YOUR INTENTIONS REGARDING CONTACT:

SECTION 2: DETAILS OF BIRTH RELATIVE

Your Present Last Name		Relationship To Adopted Person	
Maiden Name			
All Previous Last Names			
First & Middle Name			
Your Date of Birth	/ /	Place of Birth: County _____ City _____ State _____	

Mailing Address		
		Zip Code

Telephone No.	Home	Business
	_____	_____
	Area Code Number	Area Code Number

The current address and telephone numbers are needed to enable the Department to inform you if any eligible person makes a request for contact. The address does not have to be your residential address (a Post Office box is sufficient). If you do not have a telephone, please note.

(Rule 0250-7-12-.08, continued)

**SECTION 3: INFORMATION PERTAINING TO RELATIVE PLACED
FOR ADOPTION**

Last Name (Before Adoption)			
First & Middle Names			Sex (F__M__)
Date of Birth	/ /	Place of Birth: County _____	City _____ State _____

Full Name of Birth Father	
Full Name of Birth Mother	

Type of Adoptive Placement	Department: ()	Private/Independent: ()
	Licensed Child-placing Agency: () _____ Name of Agency	

Please check one. This information will assist the Department to locate the adoption records, but is not essential.

SECTION 4: CONTACT VETO

a. I wish to **veto** contact with all classes of eligible persons who, as may be permitted by law, may have access to the sealed records, sealed adoption records or post adoption records and who may wish to have contact with me. YES NO (Item "c" must be completed.)

b. The filing of a Contact Veto Registry Application by you makes the contact veto automatically applicable to your siblings, lineal descendants, lineal ancestors, and the spouses of those persons so that they cannot be contacted by a person eligible to have the records opened. You may, however, exclude persons in those classes from this automatic coverage so that they will have to register a contact veto themselves or, upon location by the Department, pursuant to a search request, they will have to register a contact veto at that time. [T.C.A. §36-1-130(A)(6)]. Please indicate whether you wish to exclude any of these persons.

c. I wish to exclude from the automatic contact veto the following:

- | | | |
|-----|---|--|
| (1) | My siblings or future siblings:
(brothers and sisters) | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (2) | My lineal descendants:
(children and grandchildren) | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (3) | My lineal ancestors:
(parents and grandparents) | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (4) | The spouses of my: | |
| | (a) myself | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| | (b) siblings | YES <input type="checkbox"/> NO <input type="checkbox"/> |

(Rule 0250-7-12-.08, continued)

- (c) lineal descendants YES NO
- (d) lineal ancestors YES NO

If you have marked "YES" in any part of item "c.", please complete the following for any known individuals:

Name	Relationship to Person Completing the Form	Address Street, RR, PO Box, Town, State, Zip

SHOULD YOU WISH NO CONTACT WITH ANY OTHER ELIGIBLE PERSONS BUT WISH TO SHARE A STATEMENT OF YOUR FEELINGS, OR CIRCUMSTANCES WHICH IMPACT YOUR DECISION, PLEASE SHARE THAT INFORMATION HERE:

SECTION 5: CONTACT CONSENT

(Complete only if you wish to consent to contact)

a. I give **consent for ALL** other classes of eligible persons who, as may be permitted by law, to have access to the adoption records, sealed records, sealed adoption records or post adoption record to have contact with me. YES NO

b. I wish to **limit consent** to certain persons and only give consent for contact with the following classes of people:

- | | |
|---|--|
| (1) The adopted person | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (2) The adopted person's adopted parents | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (3) The adopted person's adopted siblings | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (4) The adopted person's adopted lineal ancestors | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (5) The adopted person's lineal descendants | YES <input type="checkbox"/> NO <input type="checkbox"/> |
| (6) The legal representatives of any of these persons | YES <input type="checkbox"/> NO <input type="checkbox"/> |

c. If contact is limited to the legal representative (legal guardian, attorney, etc.) of certain classes of persons, please list which class of persons:

(Rule 0250-7-12-.08, continued)

SECTION 6: TYPES OF CONTACT/RELEASE OF INFORMATION

Complete only if you wish to consent to contact)

I wish the following types of contact by those persons requesting contact with me: (Please check all that apply and indicate any limitations or qualifications to these methods of contact.)

• Telephone _____

• Letters _____

• Personal contact, unannounced _____

• Personal contact, prearranged with me ____, either via phone ____, or correspondence ____

• Personal contact through another person. Please give name, relationship to you, if any, and information to be released regarding how to contact:

Is the address on **PAGE 1** an address a person requesting contact may use to write to you?

YES NO

If no, please share the address to be used:

_____, _____, _____, _____
(Street/Rural Route/PO Box) (Town/City) (State) (Zip)

• Are the telephone numbers on **PAGE 1** number(s) which can be shared with eligible persons requesting contact?

YES NO

• If no, please list telephone number(s), if any, that might be shared and used to contact you.

_____, _____, _____
(Work Telephone No.) (Home Telephone No.) (Pager/Cell phone)

Other information I wish to have released about me to any eligible persons (please identify to whom and the contents of the information to be provided).

(Rule 0250-7-12-.08, continued)

SECTION 7: DECLARATION
(Must be completed by everyone)

I desire to put my name on the Contact Veto Registry, and declare that the information provided is true and correct, to the best of my knowledge.

I acknowledge that it is a felony to make false statements in connection with this application.

I understand that I will be notified at the mailing address shown on this form of any request for contact with me made by any eligible person.

I understand that by registering with the Contact Veto Registry I am not automatically afforded access to adoption records.

I understand that this form will become a part of the Post Adoption Record maintained in the Office of the Department of Children's Services Adoption Services unit.

Signed

Date

SECTION 8: ADDITIONAL INFORMATION TO BE SUBMITTED
(Everyone must comply)

FEES

A fee of **\$25.00** payable for filing or varying the contact veto registration must accompany this completed, signed registration form. If you are unable to pay this fee, you may qualify for a fee waiver as provided by law. T.C.A. § 36-1-141] Payment may be via cashier's check, money order, or personal check made payable to the **Department of Children's Services and mailed to Post Adoption Services, 8th Floor, Cordell Hull Building, 436 6th Avenue North, Nashville, TN 37243-1290.**

PROOF OF IDENTITY

Proof of identity must accompany this completed, signed registration form.

A copy of a photo license will suffice as sole proof of identity.

Other acceptable proof of identity may be copies of:

- full Birth Certificate
- Marriage Certificate
- Current Passport

YOU MAY WISH TO MAKE A COPY OF THIS APPLICATION FOR YOUR FILES BEFORE RETURNING THIS COMPLETED ORIGINAL DOCUMENT TO THE DEPARTMENT OF CHILDREN'S SERVICES.

OFFICIAL USE ONLY

Received in DCS Post Adoption Services Day: _____ Month _____ Year _____

(Rule 0250-7-12-.08, continued)

- (3) Contact Veto Registry Application - Adoptive Relative:

TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES CONTACT VETO REGISTRY

INTRODUCTION

I understand that contact with me may be requested by certain classes of eligible persons who, as may be permitted by law, may have access to the sealed records, adoption records, sealed adoption records or post adoption records and those records in any other information source.

An adopted person twenty-one (21) years of age or older, or his or her legal representative, is eligible to request access to these records.

With the written permission by the adopted person to the Department of Children's Services, the adopted person's birth or adopted parents or step-parents, the birth or adopted siblings of the adopted person, lineal ancestors or lineal descendants twenty-one (21) years of age or older, of the adopted person or their legal representative may also obtain access to those records.

The class of eligible persons may be revised periodically by changes to the law.

I understand that no contact, whether by personal contact, correspondence or otherwise shall be made in any manner whatsoever by those requesting persons or any agent or other person acting in concert with those requesting persons, with any person eligible to file a contact veto except as permitted by law. The adoption record, sealed record, sealed adoption record or post-adoption record requested by eligible persons shall be made available to the requesting party only after completion by the requesting party of a sworn statement agreeing that he or she shall not contact or attempt to contact, in any manner, by themselves or in concert with any other persons or entities, any of the persons eligible to file a contact veto until the Department has completed a search of the Contact Veto Registry to determine the willingness of the person sought to have contact with the requesting party. [I understand that no contact may be made through any information contained in the records which I receive. (T.C.A. § § 36-1-127(f), 36-1-130 and § 36-1-131)] I also understand that should I be contacted after filing a contact veto, I shall have a cause of action in the Circuit or Chancery Court for injunctive relief and damages, including both compensatory and punitive damages, and attorneys fees against any person who has contacted, attempted to contact, or caused me to be contacted [T.C.A. §36-1-132].

Any person who, after obtaining information from the records, uses such information to cause injury to the person whose name was obtained under this part, commits a Class A misdemeanor [T.C.A. § 36-1-132]. Further, any person who has been injured pursuant to this subsection shall have a cause of action in the Circuit or Chancery Court for injunctive relief and damages, including both compensatory and punitive damages, against any person who uses the information in violation of this subsection.

I understand that contact with me by an eligible person is governed by filing my intentions with the Contact Veto Registry.

I understand there is a fee for filing with the Contact Veto Registry. I understand that should there be a request for contact with me and I have vetoed contact with any eligible person, I will be contacted and informed by the Department of Children's Services to determine my desires for contact at that time and will be given the opportunity to vary or modify my request. [If, however, I cannot be located or do not submit a modification or withdrawal to the contact veto I have previously filed, I understand that my contact veto remains in effect.[T.C.A. §36-1-130(b)(1)].

I understand that I may vary this contact veto by indicating my desires for contact, if any, with the eligible persons and the means of contact I wish to have with particular eligible persons. [T.C.A. §36-1-111(k)(3)(b); §36-1-127-36-1-

(Rule 0250-7-12-.08, continued)

131]. In doing so, I understand I must write to the address below and request the necessary forms to complete and file with the Contact Veto Registry and pay any necessary fees:

**CONTACT VETO REGISTRY
POST ADOPTION SERVICES
TENNESSEE DEPARTMENT OF CHILDREN'S SERVICES
8th FLOOR, CORDELL HULL BUILDING
436 6TH AVENUE NORTH
NASHVILLE, TENNESSEE 37243-1290**

**CONTACT VETO REGISTRY APPLICATION
ADOPTIVE RELATIVE**

<p>SECTION 1: INFORMATION ABOUT YOURSELF (Everyone must complete this section)</p>

CHECK APPROPRIATE BLANK:

Initial Filing _____ Varying Previous Filing _____

PLEASE COMPLETE THE FOLLOWING SO THAT YOU MAY BE LOCATED IN THE FUTURE BY THE DEPARTMENT CONCERNING YOUR INTENTIONS REGARDING CONTACT:

<p>SECTION 2: DETAILS OF ADOPTIVE RELATIVE</p>

Your Present Last Name		Relationship To Adopted Person	
Maiden Name			
All Previous Last Names			
First & Middle Name			
Your Date of Birth	/ /	Place of Birth: County _____ City _____ State _____	

Mailing Address		
		Zip Code

Telephone No.	Home	Business
	_____	_____
	Area Code Number	Area Code Number

(Rule 0250-7-12-.08, continued)

The current address and telephone numbers are needed to enable the Department to inform you if any eligible person makes a request for contact. The address does not have to be your residential address (a Post Office box is sufficient). If you do not have a telephone, please note.

**SECTION 3: INFORMATION PERTAINING TO
THE ADOPTED PERSON**

Last Name By Adoption			
First & Middle Names			Sex (F__M__)
Date of Birth	/ /	Place of Birth: County _____ City _____ State _____	

Full Name of Adoptive Father	
Full Name of Adoptive Mother	

Type of Adoptive Placement	Department: ()	Private/Independent: ()
	Licensed Child-placing Agency: () _____ Name of Agency	

Please check one. This information will assist the Department to locate the adoption records, but is not essential.

SECTION 4: CONTACT VETO
(Complete only if you wish to veto contact)

a. I wish to **veto** contact with all classes of eligible persons who as may be permitted by law, to have access to the adoption records, sealed records, sealed adoption records or post adoption records to have contact with me. YES NO (If checked yes, item “c” must be completed.)

b. The filing of a contact veto by you makes the contact veto automatically applicable to your siblings, lineal descendants, lineal ancestors, and the spouses of those persons so that they cannot be contacted by a person eligible to have the records opened. You may, however, exclude persons in those classes from this automatic coverage so that they will have to register a contact veto themselves or, upon location by the Department, pursuant to a search request, they will have to register a contact veto at that time. [T.C.A. §36-1-130(A)(6)]. Please indicate whether you wish to exclude any of these persons.

c. I wish to exclude from the automatic contact veto the following:

- (1) My siblings or future siblings: YES NO
(brothers and sisters)
- (2) My lineal descendants: YES NO
(children and grandchildren)

(Rule 0250-7-12-.08, continued)

- (3) My lineal ancestors: YES NO
(parents and grandparents)
- (4) The spouses of my:
- (a) myself YES NO
- (b) siblings YES NO
- (c) lineal descendants YES NO
- (d) lineal ancestors YES NO

If you have marked “YES” in any part of item “c”, please complete the following for any known individuals:

Name	Relationship to Person Completing the Form	Address Street, RR, PO Box, Town, State, Zip

SHOULD YOU WISH NO CONTACT WITH ANY OTHER ELIGIBLE PERSONS BUT WISH TO SHARE A STATEMENT OF YOUR FEELINGS, OR CIRCUMSTANCES WHICH IMPACT YOUR DECISION, PLEASE SHARE THAT INFORMATION HERE:

SECTION 5: CONTACT CONSENT

(Complete only if you wish to consent to contact)

a. I give **consent for ALL** other classes of eligible persons who, as may be permitted by law, to have access to the sealed records, sealed adoption records or post adoption record to have contact with me.

YES NO

b. I wish to **limit consent** to certain persons and only give consent for contact with the following classes of people:

(1) The adopted person’s birth parents YES NO

(Rule 0250-7-12-.08, continued)

- (2) The adopted person's birth siblings YES NO
- (3) The adopted person's birth lineal ancestors YES NO
- (4) The legal representatives of any of these persons YES NO

c. If contact is limited to the legal representative (legal guardian, attorney, etc.) of certain classes of persons, please list which class of persons:

<p>SECTION 6: TYPES OF CONTACT/RELEASE OF INFORMATION (Complete only if you wish to consent to contact)</p>
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I wish the following types of contact by those persons requesting contact with me: (Please check all that apply and indicate any limitations or qualifications to these methods of contact.)

- Telephone _____
- Letters _____
- Personal contact, unannounced _____
- Personal contact, prearranged with me ____, either via phone ____, or correspondence ____
- Personal contact through another person. Please give name, relationship to you, if any, and information to be released regarding how to contact:

- Is the address on **PAGE 1** an address a person requesting contact may use to write to you?
YES NO

If no, please share the address to be used:

_____, _____, _____, _____
(Street/Rural Route/PO Box) (Town/City) (State) (ZIP)

- Are the telephone numbers on **PAGE 1** number(s) which can be shared with eligible persons requesting contact?
YES NO
- If no, please list telephone number(s), if any, that might be shared and used to contact you.
_____, _____, _____
(Work Telephone No.) (Home Telephone No.) (Pager/Cell phone)

Other information I wish to have released about me to any eligible persons (please identify to whom and the contents of the information to be provided).

(Rule 0250-7-12-.08, continued)

SECTION 7: DECLARATION
(Must be completed by everyone)

I desire to put my name on the Contact Veto Registry, and declare that the information provided is true and correct, to the best of my knowledge.

I acknowledge that it is an felony to make false statements in connection with this application.

I understand that I will be notified at the mailing address shown on this form of any request for contact with me made by any eligible person.

I understand that by registering with the Contact Veto Registry I am not automatically afforded access to adoption records.

I understand that this form will become a part of the Post Adoption Record maintained in the office of the Department of Children's Services Adoption Services unit.

Signed

Date

SECTION 8: ADDITIONAL INFORMATION TO BE SUBMITTED
(Everyone must comply)

FEES

A fee of **\$25.00** payable for filing or varying the contact veto registration must accompany this completed, signed registration form. If you are unable to pay this fee, you may qualify for a fee waiver as provided by law. [T.C.A. § 36-1-141] Payment may be via cashier's check, money order, or personal check made payable to the **Department of Children's Services and mailed to Post Adoption Services, 8th Floor, Cordell Hull Building, 436 6th Avenue North, Nashville, TN 37243-1290.**

PROOF OF IDENTITY

Proof of identity must accompany this completed, signed registration form.

A copy of a photo license will suffice as sole proof of identity.

Other acceptable proof of identity may be copies of:

- Full Birth Certificate
- Marriage Certificate
- Current Passport

(Rule 0250-7-12-.08, continued)

**YOU MAY WISH TO MAKE A COPY OF THIS APPLICATION FOR YOUR FILES BEFORE
RETURNING THIS COMPLETED ORIGINAL DOCUMENT TO THE DEPARTMENT OF CHILDREN'S
SERVICES.**

OFFICIAL USE ONLY

Received In Post Adoption Services: Date: Day_____ Month_____ Year_____

***Authority:** T.C.A. §36-1-101 et seq., Public Chapter 1079, §13 (1996), Public Chapter 1068 (1996), and Public Chapter 1054 (1996). **Administrative History:** Original rule filed October 26, 2001; effective January 9, 2002.*